

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 28, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Bob Workman, Vice Chair
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 21, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated August 21, 2001. Campbell, Hudkins and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Hudkins moved and Heier seconded approval. Heier, Campbell and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Lincoln Action Program (2 exemptions)
Madonna Rehabilitation Hospital
Sisters of Mary Queen of Mercy

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, September 18, 2001 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Christ United Methodist Church.

MOTION: Heier moved and Hudkins seconded to set a public hearing for notice of valuation change for Christ United Methodist Church for Tuesday, September 18, 2001 at 2:30 p.m. Hudkins, Campbell and Heier voted aye. Motion carried.

The Board of Equalization was recessed until 2:30 p.m. when it was reconvened.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Transfiguration of Our Savior Orthodox Church

Norm Agena, County Assessor, explained that the property was purchased on July 13, 2001. He stated an exemption was not filed by August 1, 2001 and the property must go back on the taxrolls. He recommended that the value be set at \$160,447.

MOTION: Heier moved and Hudkins seconded to accept the Assessor's recommendation and set the value at \$160,447 for Transfiguration of Our Savior Orthodox Church. Hudkins, Heier and Campbell voted aye. Motion carried.

6) **APPROVAL OF 2001 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT B, LIST A:**

Agena recommended approval.

MOTION: Heier moved and Hudkins seconded to approve 2001 451 tax exemptions on real property for Abundant Life Family Church, Christian Heritage Children's Home, Nebraska Conference of the 7th Day Adventists, Our Saviour's Lutheran Church (3 exemptions), Pella Reformed Church, Reformed Church of Firth, South Gate United Methodist Church, St. Vincent DePaul Warehouse & Stores (2 exemptions). Campbell, Hudkins and Heier voted aye. Motion carried.

7) **APPROVAL OF 2001 451A PARTIAL TO FULL EXEMPTION PER EXHIBIT B, LIST B:**

MOTION: Hudkins moved and Heier seconded approval of a 2001 451A partial to full exemption for Nebraska Wesleyan University. Heier, Hudkins and Campbell voted aye. Motion carried.

8) **APPROVAL OF 2001 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT B, LIST C:**

Abendmusik Lincoln, Inc.

Jeremy Seaman, representative for Abendmusik Lincoln, Inc., appeared.

Agena stated the exemption was not filed until after May 1, 2001 and explained that State Statute requires a ten percent penalty be assessed or a \$100 penalty for every month the exemption is filed late, whichever is less. Recommendation was for approval of the exemption with a ten percent late filing penalty.

Agena requested that Exemption Number 582A (Malcolm Methodist Church) be removed from Item 10 and added on to Item 8.

Hudkins stated he would be declaring a conflict of interest on the exemptions for Malcolm Methodist Church because he is a member and trustee of the church.

MOTION: Heier moved and Hudkins seconded approval of 2001 451 tax exemptions on real and personal property with a late filing penalty for Abendmusik Lincoln, Inc., Gentle Shepherd Baptist Church and Nebraska Aids Project. Campbell, Heier and Hudkins voted aye. Motion carried.

MOTION: Heier moved and Campbell seconded approval of a 2001 451 tax exemption on real property for Malcolm Methodist Church (Exemption 582a). Campbell and Heier voted aye. Hudkins abstained. Motion carried.

9) **APPROVAL OF 2001 451 PARTIAL EXEMPTIONS ON REAL PROPERTY PER EXHIBIT B, LIST D:**

MOTION: Hudkins moved and Heier seconded approval of 2001 451 partial exemptions on real property for Immanuel Church and Lincoln City Church. Heier, Campbell and Hudkins voted aye. Motion carried.

10) **DENIAL OF 2001 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT B, LIST E:**

Malcolm Methodist Church (Exemption Number 582b)

Don Densberger, representative for Malcolm Methodist Church, stated a utility and a sewer line are located on the lot which makes the lot unbuildable.

Agena stated he received a letter from the Village Clerk of Malcolm indicating that the lots are buildable and that they would issue a building permit on them. He stated until such time that the village clerk states that the lot is not buildable he would consider it to be buildable.

Heier asked what the lot is being used for currently.

Densberger responded that it's an empty lot used as a playground area for the children.

Campbell suggested that Densberger visit with the village board to clarify the status of the lots.

MOTION: Heier moved and Campbell seconded denial of a 2001 451 tax exemption on real property for Malcolm Methodist Church (Exemption 582b). Campbell and Heier voted aye. Hudkins abstained. Motion carried.

MOTION: Hudkins moved and Heier seconded denial of a 2001 451 tax exemption on real property for Star City Youth Foundation. Hudkins, Heier and Campbell voted aye. Motion carried.

11) **REMOVAL OF 2001 451A TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT B, LIST F:**

MOTION: Heier moved and Hudkins seconded removal of 2001 451A tax exemptions on real property for Christ United Methodist Church, Latvian Saint John Evangelical Lutheran Church and Lincoln Christian Fellowship. Campbell, Hudkins and Heier voted aye. Motion carried.

12) **ADJOURNMENT**

MOTION: Heier moved and Campbell seconded adjournment of the Board of Equalization meeting at 2:50 p.m. Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 28, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Bob Workman, Vice Chair
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Campbell requested Old Business Items B and C and New Business Items R and S be held.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 21, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated August 21, 2001. Campbell, Hudkins and Heier voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, August 28, 2001.

MOTION: Hudkins moved and Heier seconded approval. Heier, Campbell and Hudkins voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Shirley J. Engle for her services with the Lincoln City Libraries.

4) **PUBLIC HEARINGS:**

A. Updating the guidelines for obtaining an amusement license. (M-01-103)

The Chair opened the public hearing and asked if anyone wished to provide testimony.

J. Michael Rierden, attorney representing Broken Spoke Trading Post, appeared and addressed the following:

- ▶ Provision of application and fee to the County Clerk's Office 30 days prior to the date of the gathering, instead of 45 days. Also suggested was a waiver of the requirement under unusual circumstances.
- ▶ Requirement of property owner's signature on the application - - Suggested that submittal of a lease between the property owner and the lessee, agreeing that a particular activity/event be allowed, suffice for the requirement of the signature of the owner on the application.
- ▶ Toilet Facilities - - Suggested that the number of facilities required be limited to a reasonable number.

Rierden stated his clients feel they can meet the decibel requirement, however, they are concerned that there will be complaints no matter what the noise level is and they would like to be assured that as long as they meet the requirement they won't be issued a citation.

Rierden stated his clients have obtained a certificate of occupancy from Building and Safety and they have received approval of their parking plan, however, the stalls are smaller than what is required under the guidelines. It was noted that their parking stalls will be 10 foot wide and 17 feet long.

Rierden also asked the Board to specify the number of attendees which would constitute a mass gathering.

In response to a question asked by Hudkins, David Johnson, Deputy County Attorney, explained that submittal of the application 45 days prior to the event places the burden of meeting the guidelines on the applicant.

Campbell stated the 45 day requirement allows the applicant to solve any issues which may come forward.

Rierden also asked for a provision regarding a rain date in the event of inclement weather.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

Campbell requested that the amusement license guidelines be placed on the staff meeting agenda for Thursday, August 30, 2001 for further review.

B. Issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of its \$1,389,000 Revenue Bonds (Tabitha, Inc. Project) Series 2001 to finance the acquisition, construction and equipping of improvements at Tabitha, Inc.'s facilities located at 4736 "J" Street and 4720 Randolph Street, in Lincoln, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

Kevin Siebert, bond counsel for Tabitha, appeared and explained the financing would partially pay the costs of the following projects:

- ▶ Refinancing of \$600,000 for Alzheimer's units which was originally financed in 1998
- ▶ Computer equipment installation and operating systems relating to Tabitha's nursing center, in the approximate amount of \$258,000
- ▶ Repair of two passenger elevators within the nursing center building, in the approximate amount of \$156,000
- ▶ Combination daycare facility for elder care and childcare, in the approximate amount of \$375,000

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Heier moved and Hudkins seconded approval.

The Clerk noted that a resolution approving the issuance appears under New Business.

The maker of the motion withdrew his motion and the seconder agreed.

5) **OLD BUSINESS:**

- A. Expenditure of \$12,050 to the Army Corps of Engineers to complete construction on the Emergency Streambank Protection Project along the left bank of Elk Creek near Malcolm, Nebraska. The construction will stop erosion at Section 17, Township 11N, Range 5 East in Lancaster County, Nebraska. (C-01-418) (The original contract was executed on September 5, 2000 and is Contract 00-437.)

MOTION: Hudkins moved and Heier seconded approval. Campbell, Hudkins and Heier voted aye. Motion carried.

- B. A resolution in the matter of increasing and modifying the County's petty cash fund. (R-01-55)

This item was held.

- C. An amendment to an agreement with the State of Nebraska, Department of Health and Human Services and Lancaster County on behalf of Families First and Foremost. The original agreement is found under County contract number C-01-21 which provides for contracting and monitoring of the community based residential and non-residential evaluations for youth. The amendment adds the language provided in Exhibit "A". (C-01-372)

This item was held.

6) **NEW BUSINESS:**

- A. A resolution approving the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of its \$1,389,000 Revenue Bonds (Tabitha, Inc. Project) Series 2001 to finance the acquisition, construction and equipping of improvements at Tabitha, Inc.'s facilities located at 4736 "J" Street and 4720 Randolph Street, in Lincoln, Nebraska. (R-01-84)

MOTION: Heier moved and Hudkins seconded approval of Resolution 01-84. Heier, Campbell and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- B. A resolution regarding the inclusion of territory located within the incorporated limits of the Village of Bennet within the boundaries of the Bennet Rural Fire Protection District, as permitted by Neb. Rev. Stat., Sec. 35-530 to 35-536. (A map showing the corporate boundaries of the Village of Bennet is on file in the County Clerk's Office.) (R-01-82)

MOTION: Heier moved and Hudkins seconded approval of Resolution 01-82. Hudkins, Heier and Campbell voted aye. Motion carried.

- C. An application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Friday, September 14, 2001 from 4 p.m. to 12:30 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska.

MOTION: Heier moved and Hudkins seconded approval. Campbell, Hudkins and Heier voted aye. Motion carried.

- D. An application for a Special Events Permit from Team Kaos Cycling Club to hold the "Branched Oak Road Race" on Sunday, September 9, 2001, beginning at 8 a.m. The race will begin at the marina and proceed clockwise around the lake, using West Rock Creek Road, Raymond Road and Northwest 140th Street.

John Peterson, applicant, appeared and stated he had no objections to any of the conditions outlined by the Sheriff.

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Heier and Campbell voted aye. Motion carried.

- E. Grant Contracts with the following agencies beginning July 1, 2001 and ending June 30, 2002:

- Lincoln Literary Council, for literary services, in the amount of \$5,000. (C-01-422)
- Lincoln Action Program, for Education Outreach, Eviction Protection and Emergency Services, in the amount of \$109,584. (C-01-423)
- Child Guidance Center, for outpatient services for children and their families, in the amount of \$30,000. (C-01-424)
- DayWatch, Inc., to provide for the Day Shelter Services Program, in the amount of \$10,000. (C-01-425)

6) **NEW BUSINESS CONTINUED:**

- Y.W.C.A., for the Parents Center and the Survival Skills Program, in the amount of \$55,070. (C-01-426)
- League of Human Dignity, for the Center for Independent Living and for Barrier Removal, in the amount of \$60,500. (C-01-428)
- Lincoln Interfaith Council, for the Emergency Food Pantry System, in the amount of \$5,000. (C-01-429)

MOTION: Hudkins moved and Heier seconded approval. Campbell, Heier and Hudkins voted aye. Motion carried.

F. A grant contract with Friendship Home, for the Hotel-Motel Project, in the amount of \$3,500, beginning September 1, 2001 and ending August 31, 2002. (C-01-427)

MOTION: Hudkins moved and Heier seconded approval. Hudkins, Campbell and Heier voted aye. Motion carried.

G. An agreement with the Asian Community and Cultural Center to provide care coordination using the wraparound process for youth, ages 10-18 who have severe emotional disorders and who are at risk of becoming involved in the Juvenile Justice System. The term of the agreement is September 1, 2001 to August 31, 2002. The County will pay \$45,000 for these services. (C-01-419)

MOTION: Heier moved and Hudkins seconded approval. Campbell, Hudkins and Heier voted aye. Motion carried.

H. An agreement with the Lincoln Interfaith Council to provide care coordination using the wraparound process for youth, ages 10-18 who have severe emotional disorders and who are at risk of becoming involved in the Juvenile Justice System. The term of the agreement is September 1, 2001 to August 31, 2002. The County will pay \$45,000 for these services. (C-01-420)

MOTION: Hudkins moved and Heier seconded approval. Heier, Campbell and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. **Settlement agreement and release with T.J. Osborn Construction Co., Inc. and the City of Lincoln regarding an auto accident that occurred on or about April 15, 1998 at the intersection of Pine Lake Road and South 70th Street. (C-01-421)**

MOTION: Heier moved and Hudkins seconded approval. Heier, Campbell and Hudkins voted aye. Motion carried.

- J. **Recommendation from the Purchasing Agent and the County Engineer to award a bid to S.P. Olson Enterprises, Inc. (Lincoln, NE), in the amount of \$20,564.15, to repair county bridge #0-153. (B-01-38)**

MOTION: Hudkins moved and Heier seconded approval. Campbell, Hudkins and Heier voted aye. Motion carried.

- K. **Recommendation from the Purchasing Agent and the Director of Corrections to reject the bids received for specification #01-117, "Installation of a ground loop heat pump system" for the Lancaster County Facility at 4420 NW 41st Street, Lincoln, NE. The only valid bid received is considered over budget and the Corrections Department does not have the funds necessary to enter into a contract for the amount bid. (B-01-39)**

MOTION: Heier moved and Hudkins seconded approval to reject all bids. Heier, Campbell and Hudkins voted aye. Motion carried.

- L. **Recommendation from the Purchasing Agent and the Youth Assessment Center Director to award the request for proposal #01-099 for "Youth Assessment Center Application Software", to Handel Information Technologies, Inc. (Laramie, WY) . This will be an award for approximately \$114,250 (with final pricing and program details to be negotiated in the final contract). (B-01-40)**

MOTION: Heier moved and Hudkins seconded approval. Heier, Campbell and Hudkins voted aye. Motion carried.

- M. **A political subdivision tort claim filed by Susan M. Weir in the amount of \$230 for lost property.**

MOTION: Hudkins moved and Heier seconded to accept the Director's recommendation and deny the claim filed by Susan M. Weir. Hudkins, Campbell and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

N. A political subdivision tort claim filed by Mark K. Royer in the amount of \$4,500 for lost property.

MOTION: Hudkins moved and Heier seconded to accept the Director's recommendation and deny the claim filed by Mark K. Royer.

Heier stated the Correctional Director recommended denial because Mr. Royer had acknowledged receiving all of his property by signing the property receipt.

Mark Royer, claimant, appeared and gave a brief explanation of his claim.

ROLL CALL: Hudkins, Heier and Campbell voted aye. Motion carried.

O. Placement of County Resolution No.'s R-01-78, R-01-79, R-01-80, R-01-81 (Comprehensive Plan Amendment Numbers 94-62 through 94-65 regarding the South and East Beltways) on file with the County Clerk's office.

David Johnson, Deputy County Attorney, explained that on August 22, 2001 the County Board voted on four Comprehensive Plan Amendments and executed Resolution Numbers 01-78 through 01-81. He requested that the resolutions be placed on file in the County Clerk's Office.

In response to a question asked by Heier, Johnson said both Commissioners Heier and Campbell may vote on the item. He added that the item is requesting that the documents be placed on file in the Clerk's Office. The decision regarding the beltway was made previously.

MOTION: Hudkins moved and Heier seconded approval. Campbell, Hudkins and Heier voted aye. Motion carried.

P. A resolution authorizing the installation of a driveway warning sign in advance of the House drive belonging to Todd and Sara Morton, located at 18301 Holdrege Street for eastbound traffic. (R-01-83)

MOTION: Heier moved and Hudkins seconded approval of Resolution 01-83. Heier, Hudkins and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

Q. A contract with Yant Equipment, Inc. for Project No. 02-07 a Commercial Fuel Management System. The County will pay \$11,821.68 for the system. (C-01-437)

MOTION: Heier moved and Hudkins seconded approval. Campbell, Heier and Hudkins voted aye. Motion carried.

R. Agreement with Nebraska Legal Services to provide legal representation for indigent juveniles in Abuse or Neglect Cases and Law violations and Status Offenses beginning July 1, 2001 and ending June 30, 2002. The County will pay \$256,000 for these services. (C-01-438)

This item was held.

S. Agreements with the Child Guidance Center (C-01-439) and Maplewood Counseling Associates Inc., (C-01-440) for monitoring the community based residential and non-residential evaluations for youth of the southeast serviced area as ordered by the courts on behalf of the State of Nebraska, Department of Health and Human Services. The term of the agreement is August 1, 2001 through July 31, 2002. The County will reimburse the Contractor at the rates indicated in Attachment "B" or the most current Nebraska Medicaid rates.

This item was held.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File a new exhibit with the original lease agreement between Lancaster County and the Lincoln Airport Authority.

7) CONSENT ITEMS CONTINUED:

- B. Setting of a public hearing for Tuesday, September 18, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Special Permit No 187, Prairie Vista Community Unit Plan, and County Preliminary Plat No 01009, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, consisting of 6 single family dwelling units, on property located south of North 176th Street and Fletcher Avenue in Lancaster County, Nebraska.
- C. Right-of-way contracts related to road improvements between the Lancaster County Engineering Department and the following:
- Fred and Rosemary Martin, in the total amount of \$3,760, at 14101 Old Cheney Road; Project C55-Q-407(1). (2 contracts) (C-01-432 & C-01-433)
 - Wilbur and Lau Dell Leupold, south of intersection at SW 27th Street and West Denton Road; Project C.P.O-281. This is a land donation. (C-01-431)
 - June Garrett, in the total amount of \$6,040, at the northwest corner of So 148th Street and Old Cheney Road; Project C-01-434). (3 contracts) (C-01-434, C-01-435 & C-01-436)
- D. A leasehold contract with Chuck Reddish to relinquish leasehold interests at property legally described as the SE 1/4 of Section 20, Township 9 North, Range 6 East of the 6th P.M. in Lancaster County for \$10. (C-01-430)

MOTION: Heier moved and Hudkins seconded approval of the Consent Items.
Campbell, Hudkins and Heier voted aye. Motion carried.

By direction of the Chair, the Board of Commissioners meeting was recessed at 2:30 p.m. to resume the Board of Equalization meeting.

The Chair reconvened the Board of Commissioners meeting at 2:50 p.m.

8) PENDING LITIGATION - EXECUTIVE SESSION

MOTION: At 2:50 p.m. Hudkins moved and Heier seconded to enter into Executive Session for the purpose of discussing pending litigation. Hudkins, Heier and Campbell voted aye. Motion carried.

MOTION: At 3:12 p.m. Hudkins moved and Heier seconded to exit Executive Session. Campbell, Heier and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT**

MOTION: Hudkins moved and Heier seconded adjournment of the Board of Commissioners meeting at 3:13 p.m. Hudkins, Campbell and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk